



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/738,415

12/17/2003

Jorg Klosterhalfen

1238-16

8326

25881

7590

01/09/2007

EPSTEIN DRANGEL BAZERMAN & JAMES, LLP
60 EAST 42ND STREET
SUITE 820
NEW YORK, NY 10165

EXAMINER

ORTIZ, BELIX M

ART UNIT

PAPER NUMBER

2164

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

01/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/738,415	KLOSTERHALFEN ET AL.	
	Examiner	Art Unit	
	Belix M. Ortiz	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to communications files on 13-October-2006, claims 1-6 and 8 are amended per applicant's request. Therefore, claims 1-10 are presently pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "the status" in line 4; "the result" in line 6; and "the maintenance function" in line 9. There is insufficient antecedent basis for this limitation in the claim.

5. Regarding claims 2-10 are rejected under 35 U.S.C. 112, second paragraph, as dependent from rejected independent claim 1.

6. Claim 5 recites the limitation "and/or" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-10 are rejected under 35 U.S.C. 103(a) (Eff. Filing date of foreign application 2/27/2003) as being unpatentable over Vos et al. (2002/0091672) (Eff. Filing date of application 11/21/2001) in view of Leung et al. (U.S patent 6,282, 570) (Eff. Filing date of application 12/7/1998).

As to claim 1, Vos et al. teaches a method for real time maintenance of database contents, in particular of files of a relational database (see paragraphs 5 and 68), in particular DB2, the method comprising the steps of:

determining the status of the contents of the database in real time using a database-integrated status monitor (see figure 6, character 604 and paragraphs 66, 68, and 95),

analyzing the result of the status determination (see abstract and paragraph 10).

Vos et al. does not teach comparing the analyzed results with comparison data; and activating the maintenance functions directly following a positive compare result.

Leung et al. teaches monitoring a large parallel database through dynamic grouping and sequential sampling (see abstract), in which he teaches comparing the analyzed results with comparison data (see column 1, lines 45-50 and column 4, lines 7-8); and activating the maintenance functions directly following a positive compare result (see column 2, lines 25-28).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Vos et al. by the teaching of Leung et al., because wherein comparing the analyzed results with comparison data; and activating the maintenance functions directly following a positive compare result, would enable the method because, "Monitoring a non-parallel database generally includes collecting performance statistics of a database. The performance statistics can be used to calculate a performance value for a non-parallel database, using, for example, a predefined formula", (see column 1, lines 45-50).

As to claim 2, Vos et al. as modified teaches wherein the step of comparing the analyzed results comprises comparing the analyzed results with status threshold values, wherein said status threshold values represent data indicating an execution of the maintenance functions for the respective database contents (see Leung et al., column 1, lines 45-50).

As to claim 3, Vos et al. as modified teaches the method further comprising the step of adjusting said status threshold values for different database content groups of database content or different maintenance functions, respectively (see Leung et al., column 4, lines 8-11).

As to claim 4, Vos et al. as modified teaches the method further comprising the step of setting at least one rigid status threshold value; setting at least one soft status threshold value activating the maintenance function when the soft status threshold value is reached and further criteria apply; and activating the maintenance function immediately when the rigid status threshold value is reached (see Vos et al., paragraphs 52 and 74).

As to claim 5, Vos et al. as modified teaches wherein the database contents are in a system and further comprising the step of defining restrictions related to the system, time, data and/or application for the execution of maintenance functions in which an immediate execution of a maintenance function is suppressed at least temporarily (see Leung et al., column 4, lines 8-11).

As to claim 6, Vos et al. as modified teaches wherein the real time activation of the maintenance functions causes direct execution, transfer to a job scheduler, or a call of database utilities (see Vos et al., paragraphs 10-12).

As to claim 7, Vos et al. as modified teaches the method characterized in that the executed maintenance functions are logged and a maintenance log is produced (see Vos et al., paragraph 66).

As to claim 8, Vos et al. as modified teaches a device, set up to execute a method said device comprising:

a database unit in which the database is stored (see Vos et al., paragraph 5),
said database unit comprising maintenance means for executing maintenance functions (see Vos et al., paragraph 9), and

monitoring means for monitoring and reading out data indicative of the determined status of the contents of the database content stored in said database unit (see Vos et al., abstract and paragraph 95),

Art Unit: 2164

a monitoring unit for monitoring said output data (see Vos et al., paragraph 95), wherein said monitoring unit comprises means for analyzing said data and for comparing said data with comparison data (see Leung et al., column 1, lines 45-50 and column 4, lines 7-8), and

output means for directly outputting instruction for the activation of said maintenance means for executing a maintenance utility (see Vos et al., paragraphs 9, 36, and 107).

As to claim 9, Vos et al. as modified teaches a computer program with an implementation of a method for a computer (see Vos et al., figure 1 and paragraph 34).

As to claim 10, Vos et al. as modified teaches a computer program product with a computer program or with instructions for executing a method (see Vos et al., paragraph 36).

Response to Arguments

9. Applicant's arguments filed 13-October-2006 with respect to the rejected claims in view of the cited references have been fully considered but they are not found persuasive:

In response to applicants' arguments that Vos "does not teach database-integrated status monitor", the arguments have been fully considered but are not deemed persuasive, because, Vos et al. teaches a database monitor in "In one embodiment, the object usage monitor 604 may execute continually and track information about how specific database objects are used. Information about the type of activities that occur, how frequently they occur, and when they

Art Unit: 2164

occur is collected and saved. The usage monitor may 604 also identify the type of access that is used to retrieve data from specific datasets”, (see Vos et al., paragraph 66).

And Leung et al teaches, “Monitoring a non-parallel database generally includes collecting performance statistics of a database. The performance statistics can be used to calculate a performance value for a non-parallel database, using, for example, a predefined formula. The performance value is then compared to a predefined threshold value”, (see column 1, lines 44-50).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on Monday-Friday 9am-5pm.

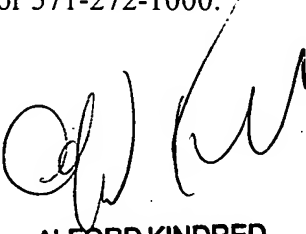
The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2164

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bmo

December 27, 2006



ALFORD KINDRED
PRIMARY EXAMINER